

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
COMPTROLLER OF THE CURRENCY

In the Matter of:)	
Sherri Weer)	
Former Assistant Vice-President, Loan Department)	AA-CE-12-02
The First National Bank in Tremont)	
Tremont, Illinois)	

CONSENT ORDER

WHEREAS, the Comptroller of the Currency of the United States of America (“Comptroller” or “OCC”) intends to initiate proceedings to assess a civil money penalty against Sherri Weer (“Respondent”), pursuant to 12 U.S.C. § 1818(i), in her capacity as the former Assistant Vice-President of the Loan Department (“AVP”) of The First National Bank in Tremont, Tremont, Illinois (“Bank”), for failing to comply with the Formal Agreement entered into on December 16, 2008.

WHEREAS, in the interest of cooperation and to avoid the costs associated with future administrative and judicial proceedings with respect to the above matter, Respondent, without admitting or denying any wrongdoing, desires to enter into this Consent Order (“Order”);

NOW, THEREFORE, it is stipulated by and between the Comptroller, through his duly authorized representative, and Respondent that:

Article I

JURISDICTION

(1) The Bank is a national banking association, chartered and examined by the Comptroller, pursuant to the National Bank Act of 1864, as amended, 12 U.S.C. § 1 *et seq.* Accordingly, the Bank is an “insured depository institution” as that term is defined in 12 U.S.C. § 1813(c)(2).

(2) Respondent was the AVP and thus an “institution-affiliated party” of the Bank as that term is defined in 12 U.S.C. § 1813(u), having served in such capacity within six (6) years from the date hereof (*see* 12 U.S.C. § 1818(i)(3)).

(3) Pursuant to 12 U.S.C. § 1813(q), the Comptroller is the “appropriate Federal banking agency” to maintain an enforcement proceeding against institution-affiliated parties. Therefore, Respondent is subject to the authority of the Comptroller to initiate and maintain civil money penalty actions against her pursuant to 12 U.S.C. § 1818(i).

Article II

COMPTROLLER’S FINDINGS

The Comptroller finds, and Respondent neither admits nor denies, the following:

(1) On December 16, 2008, the Bank executed a Formal Agreement (“FA”), a written agreement as described in 12 U.S.C. § 1818(i)(2)(iv), with the OCC. As an officer of the Bank, Respondent was responsible for complying with the FA, which

required, among other things, compliance with its 2009 Revised Lending Policy, including its unsecured lending policy; obtaining satisfactory credit and collateral information on all existing loans; and basing extensions of credit on new and existing loans on satisfactory credit and collateral information.

(2) Respondent was the AVP at the time the FA was executed until her employment was terminated on March 11, 2011.

(3) The OCC tested the Bank's compliance with the FA during two examinations, dated December 7, 2009 and February 14, 2011, and found noncompliance with several of the requirements of the FA at each examination. The OCC identified deficiencies causing the noncompliance, and provided guidance for correcting the deficiencies to the Bank's management, including Respondent, following each examination.

(4) Respondent violated the FA on several occasions. For example, Respondent approved extensions of credit without documenting the borrower's ability to repay and without analyzing satisfactory financial or collateral information; made an unauthorized transfer that served to mask the delinquency of an account; restructured a loan causing negative amortization without any of the required documentation, analysis, or approval; and approved increases to her personal Visa credit card and those of relatives and friends without authorization, underwriting, or adhering to the 2009 Revised Loan Policy.

(5) By reason of the foregoing conduct, Respondent violated and caused the Bank to violate the FA, a written agreement, between the Bank and the OCC.

Article III

ORDER FOR CIVIL MONEY PENALTY

Respondent consents to, and it is ORDERED that:

(1) Respondent shall pay a civil money penalty in the amount of one thousand dollars (\$1,000.00), which shall be paid in full upon execution of this Order.

(2) Respondent shall make payment by cashier's check or money order, made payable to the Treasurer of the United States, and shall deliver the payment to: Comptroller of the Currency, P.O. Box 979012, St. Louis, Missouri 63197-9000. The docket number of this case (AA-CE-12-02) shall be entered on the submitted payment.

(3) This Order shall be enforceable to the same extent and in the same manner as an effective and outstanding order that has been issued and has become final pursuant to 12 U.S.C. § 1818 (i) (as amended).

Article IV

DISCLOSURES

Respondent consents to, and it is ORDERED that:

(1) Whenever Respondent is employed by, or is offered employment at, an insured depository institution (as defined in 12 U.S.C. § 1813(c)(2)) or otherwise

becomes an institution-affiliated party (“IAP”) within the meaning of 12 U.S.C. § 1813(u), Respondent shall:

- (a) with respect to any current employment, provide the President or Chief Executive Officer of the insured depository institution of which Respondent is currently an IAP with a copy of this Order. Respondent shall provide written certification of compliance with the paragraph to Assistant Deputy Comptroller, Peoria Field Office, 211 Fulton Street, Suite 604, Peoria, IL 61602-1350, within ten (10) days of execution of this Order; and
- (b) with respect to any future employment, prior to accepting any offer of a position that causes Respondent to become an IAP of an insured depository institution, provide the President or Chief Executive Officer of the insured depository institution with a copy of this Order. Respondent shall provide written notice of such acceptance to the Assistant Deputy Comptroller, Peoria Field Office, 211 Fulton Street, Suite 604, Peoria, IL 61602-1350, along with a written certification of compliance with this paragraph within ten (10) days after acceptance of such position.

(2) If, at any time, Respondent is uncertain whether a situation implicates any of the items in paragraph (1) of this Article, or if Respondent is uncertain about her duties arising from these or any other requirements of this Order, she shall obtain, at her

expense, and abide by the written advice of counsel regarding her duties and responsibilities with respect to the matter. To comply with this paragraph, Respondent shall engage counsel who is in no way affiliated with the insured depository institution; and who has never been subject to any formal sanctions by any Federal banking agency, either by agency order or consent, as disclosed on the banking agencies' web sites.

(3) This Order shall be enforceable to the same extent and in the same manner as an effective and outstanding order that has been issued and has become final pursuant to 12 U.S.C. § 1818.

Article V

BANKRUPTCY

If Respondent files or has filed for bankruptcy protection prior to payment in full of the civil money penalty ordered in Article III, Respondent consents to, and it is ORDERED that:

(1) In any bankruptcy proceeding in which it is or may be contended that Respondent's obligation to pay a civil money penalty pursuant to this Order is subject to discharge, Respondent shall make a motion to the bankruptcy court for an order of non-dischargeability of the civil money penalty and provide the OCC Director of Enforcement and Compliance with a copy of the motion, concurrent with filing, and a copy of any subsequently issued order within ten (10) days of issuance. If Respondent fails to make such motion, Respondent will in no manner contest the assertion of the

Comptroller or any agent, officer or representative of the United States, pursuant to 11 U.S.C. § 523(a) or otherwise, that the civil money penalty obligation in the Order arises out of acts which result in claims not dischargeable in bankruptcy.

(2) Documents required to be provided under this Article shall be mailed to: Comptroller of the Currency, Director of Enforcement and Compliance, 250 E Street, SW, Washington, DC 20219-0001.

Article VI

OTHER PROVISIONS

- (1) By consenting to the issuance of this Order, Respondent waives:
- (a) the right to the issuance of a Notice under 12 U.S.C. § 1818(i);
 - (b) all rights to a hearing and a final agency decision pursuant to 12 U.S.C. § 1818(i) and 12 C.F.R. Part 19;
 - (c) all rights to seek judicial review of this Order;
 - (d) all rights in any way to contest the validity of this Order; and
 - (e) any and all claims for fees, costs or expenses against the Comptroller, or any of his agents or employees, related in any way to this enforcement matter or this Order, whether arising under common law or under the terms of any statute, including, but not limited to, the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.

(2) Respondent acknowledges that:

- (a) She shall not cause, participate in or authorize the Bank (or any subsidiary or affiliate thereof) to incur, directly or indirectly, any expense for the payment of the civil money penalty under this Order, or any legal (or other professional) expense relative to the negotiation and issuance of this Order except as permitted by 12 C.F.R. § 7.2014 and Part 359; and Respondent shall not, directly or indirectly, obtain or accept any indemnification (or other reimbursement) from the Bank (or any subsidiary or affiliate thereof) with respect to such amounts except as permitted by 12 C.F.R. § 7.2014 and Part 359.
- (b) She has read the premises and obligations of this Order and declares that no separate promise or inducement of any kind has been made by the Comptroller or his agents or employees to cause or induce her to agree to consent to the issuance of this Order or to execute this Order.

(3) This Order constitutes a settlement of the civil money penalty proceeding arising out of the specific acts, omissions, or violations described in the Comptroller's Findings (Article II of this Order). However, the specific acts, omissions, or violations described in Article II may be used by the OCC in future enforcement actions to establish

a pattern or practice of misconduct or the continuation of a pattern or practice of misconduct.

(4) This Order shall not be construed as an adjudication on the merits and, except as set forth above in paragraph (3), shall not inhibit, estop, bar, or otherwise prevent the Comptroller from taking any action affecting Respondent if, at any time, he deems it appropriate to do so to fulfill the responsibilities placed upon him by the several laws of the United States of America.

(5) Respondent further agrees not to take any action or to make or permit to be made any public statement denying, directly or indirectly, the specific acts, omissions, or violations referenced in this Order, or otherwise creating the impression that this Order is without factual basis. If Respondent violates this provision, the OCC may set aside this settlement and commence administrative proceedings on the actions alleged herein.

Nothing in this paragraph shall affect Respondent's testimonial obligations.

(6) Nothing herein shall preclude any proceedings brought by the Comptroller to enforce the terms of this Order, and nothing herein constitutes, nor shall Respondent contend that it constitutes, a waiver of any right, power, or authority of any other representatives of the United States or agencies thereof, including the Department of Justice, to bring other actions deemed appropriate.

IN TESTIMONY WHEREOF, the undersigned have hereunto set their hands.

/s/

Bert A. Otto
Deputy Comptroller
Central District

2/21/2012

Date

/s/

Sherri Weer

2/6/2012

Date